

REMARKS

Upon entry of the present amendment, claims 1-5, 7 and 13-16 will be pending in the application.

Claim 1 has been amended to incorporate the limitations of claim 6.

Claim 4 has been amended for clarity.

Claim 7 has been amended to properly depend from claim 1.

Claims 6 and 11-12 have been canceled without prejudice.

Claims 13-16 have been added to further define the claimed invention. Support for these claims can be found at least in claims 11-12 as filed.

No new matter has been introduced by the foregoing amendments and new claims.

Amendments to, cancellation of, and additions to, the claims, as set forth above, are made in order to streamline prosecution in this case by limiting examination and argument to certain claimed embodiments that presently are considered to be of immediate commercial significance. Amendment or cancellation of the claims is not in any manner intended to, and should not be construed to, waive Applicants' right in the future to seek such unamended or cancelled subject matter, or similar matter (whether in equivalent, broader, or narrower form) in the present application, and any continuation, divisional, continuation-in-part, RCE, or any other application claiming priority to or through the present application, nor in any manner to indicate an intention, expressed or implied, to surrender any equivalent to the claims as pending after such amendments or cancellations.

Reconsideration is respectfully requested in view of the foregoing amendments and/or following remarks.

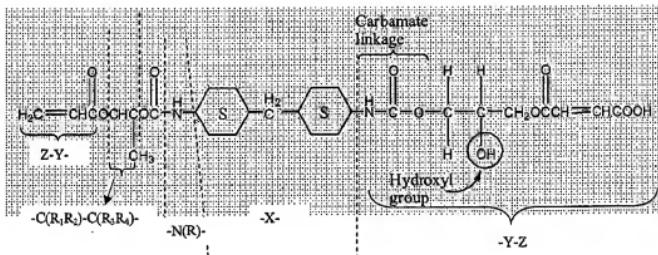
1. Rejection under 35 U.S.C. §112.

Applicants respectfully submit that the rejection under 35 U.S.C. 112 is moot in view of the cancellation of claims 11 and 12.

2. Rejection of claims 1-7 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,849,321 to Hung et al., hereafter "Hung".

The Examiner maintains the rejection of claims 1-7 under 35 U.S.C. 102(b) as allegedly anticipated by Hung. In maintaining this rejection, the Examiner asserts that claim 1 is drawn to a compound of formula I with the proviso that at least for n=1, the radical R and/or the radical X are/is substituted by at least one substituent of the general formula II. With this proviso, the compound can be represented by the following formula Z-Y-X-N(R)-C(O)-O-C(R₁R₂)-C(R₃R₄)-Y-Z. (1/24/2008 Office Action, page 2, third paragraph).

The Examiner then alleges that Hung's compound III anticipates the above formula. For purposes of illustration, the Examiner uses Applicants' drawing as follows:



(1/24/2008 Office Action, page 3, first paragraph).

Applicants appreciate the detailed basis for rejection but must respectfully disagree. As currently amended, claim 1 recites that Y is selected from the group consisting of ether, carboxylate, carbonate, phosphate, phosphonate, phosphite ester, and sulfonate groups.

It is respectfully submitted that according to the Examiner's interpretation in the above illustration, the -Y-Z group on the right side in Hung's formula does not anticipate independent claim 1 as currently amended. The Examiner's interpretation of the -Y-Z group in Hung's formula is a carbamate group, and not an ether, carboxylate, carbonate, phosphate, phosphonate, phosphite ester, or sulfonate group as required by Applicants' independent claim 1, as currently amended.

Applicants respectfully assert that the present claims are patentable over Hung under 35 U.S.C. 102(b) at least because Hung's formula III, and specifically, the section marked off to represent Applicants' -Y-Z by the Examiner, does not anticipate independent claim 1, as currently amended. Withdrawal of this rejection is respectfully requested.

In the Advisory Action of May 23, 2008, the Examiner maintains this rejection by stating:

"In the claim 1, the compound of formula I with the proviso that at least for n=1, the radical R and/or the radical X is/are substituted by at least one substituent of the general formula II. With this proviso, the compound can be represented by the following formula: Z-Y-X-N(R)-C(O)-O-C(R1R2)-C(R3R4)-Y-Z. Hung's compound III clearly anticipates the above formula."

(5/23/2008 *Advisory Action, final page.*)

Applicants respectfully disagree. Hung's compound III, as annotated by the Examiner, is reproduced above. It can be seen that this compound does not anticipate the present claims, as currently amended, for at least the following reasons.

Firstly, the -Y-Z group on the right side of the equation is linked to -X- using a carbamate linkage. That is, -Y- is represented in Hung's compound III on the right side of the molecule to be a carbamate. However, independent claim 1, as currently amended, recites that -Y- is selected from the group consisting of ether, carboxylate, carbonate, phosphate, phosphonate, phosphite ester, and sulfonate groups. Since Hung's compound III does not teach any of the foregoing, it does not anticipate the present claims.

Secondly, Hung's compound III, as annotated by the Examiner, does not teach Applicants' -C(R₁R₂)-C(R₃R₄)-. Hung's compound III discloses -C(H)C(CH₃)-. That is, Hung's compound III discloses that each C atom is substituted with one radical, implying that the two C's are connected by way of a double bond. That is, -C(H)C(CH₃)- can be read as -C(H)=C(CH₃)-. At least this disclosure by Hung fails to teach, explicitly or inherently, all the elements of independent claim 1, as currently amended. Withdrawal of this rejection is respectfully requested.

CONCLUSION

Applicants respectfully submit that the Application and pending claims are patentable in view of the foregoing remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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